

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 1, 6, 11, 12, 13, and 14 have been amended, and claim 16 has been canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-2 and 4-14 are pending and under consideration. Reconsideration is respectfully requested.

**ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:**

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

- (a) at least one of the rejected claims has been canceled thereby at least reducing the issues for appeal;
- (b) it is believed that the amendments of claims 1, 6, 11, 12, 13, and 14 put this application into condition for allowance; claim 14 has been amended as suggested by the Examiner; and/or
- (c) the amendments were not earlier presented because the Applicants believed in good faith that the cited prior art did not disclose the present invention as previously claimed.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." ( Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

**REJECTION UNDER 35 U.S.C. §103:**

- A. In the Office Action, at pages 2-9, numbered paragraph 2, claims 1-10, 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshikawa (USPN 4,858,219; hereafter, Yoshikawa) in view of Wang et al. (US Patent Publication 2003/0099177; hereafter, Wang). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to include the terminology: "wherein a read power channel signal is applied to the optical emission unit driving unit along with a write power channel signal and an overdrive power channel signal." Independent claims 6, 12, and 13 have been amended in similar fashion. These amendments are supported by paragraph [0021] of the specification.

The Examiner submits: "Yoshikawa does not but Wang teaches the method that uses storing the pairs of signal values obtained in the obtaining the first reference signal values and the obtaining the second channel signal values (done in 102 and 104); determining the first reference signal value S1 and the second channel signal value S2 from the stored signal values (105), so as to record information on a disc inserted in an optical recording device; and inputting in the optical information on a disc inserted in an optical recording device; and inputting in the optical emission unit driving unit the first channel value S1 and the second channel signal value S2 to drive the optical emission unit (done by the difference of the two as shown in 108), wherein the obtaining two or more pairs of first and second channel signal values are operations obtaining the pairs of signal values within a period where a relation between the signal values exhibits a linear function (the use of developing linear functions is given in figure 5 and shown in figures 6 and 7)."

Neither Wang nor Yoshikawa teaches or suggests applying a read power channel signal to the optical emission unit driving unit along with a write power channel signal and an overdrive power channel signal.

However, amended independent claims 1, 6, 12 and 13 disclose that a read power channel signal is applied to the optical emission unit driving unit along with a write power channel signal and an overdrive power channel signal.

Thus, it is respectfully submitted that independent claims 1, 6, 12 and 13 are patentable under 35 U.S.C. §103(a) over Yoshikawa (USPN 4,858,219) in view of Wang et al. (US Patent Publication 2003/0099177), alone or in combination. Since claims 2, 4-5, and 7-10 depend from amended independent claims 1 and 6, respectively, it is respectfully submitted that claims 2, 4-5 and 7-10 are patentable under 35 U.S.C. §103(a) over Yoshikawa (USPN 4,858,219) in view of Wang et al. (US Patent Publication 2003/0099177), alone or in combination, for at least the reasons that amended independent claims 1 and 6 are patentable under 35 U.S.C. §103(a) over Yoshikawa (USPN 4,858,219) in view of Wang et al. (US Patent Publication 2003/0099177), alone or in combination.

**B.** In the Office Action, at pages 9-10, numbered paragraph 3, claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshikawa (USPN 4,858,219; hereafter,

Yoshikawa) in view of Douglas (USPN 6,762,575; hereafter, Douglas). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

It is respectfully submitted that the Examiner submitted that claim 16 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (see page 10 of the Office Action). Claim 14 has been amended to include the features of claim 16, and claim 16 has been canceled without prejudice or disclaimer.

Thus, amended claim 14 is submitted to be in allowable form, and the rejection of claim 14 under 35 U.S.C. §103(a) over Yoshikawa (USPN 4,858,219) in view of Douglas (USPN 6,762,575) is now moot.

**ALLOWABLE SUBJECT MATTER:**

In the Office Action, at page 10, claims 11 and 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for his careful review of claims 11 and 16 and for submitting that claims 11 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 14 has been amended to include the features of claim 16, and claim 16 has been canceled without prejudice or disclaimer. Hence, amended claim 14 is submitted to be in allowable form.

Applicants have amended independent claim 11 to insert a space before "9." However, Applicants' amendment of claim 6, from which claim 11 depends indirectly, is submitted to place amended claim 6 into allowable form. Hence, Applicants respectfully submit that amended claim 11 is allowable for at least the reasons that amended claim 6 is allowable.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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